REMARKS

Applicant has studied the Office Action dated August 17, 2004, and has amended the claims to distinctively claim the subject matter of the invention. By virtue of this amendment, claims 1, 3, 5, 18, 19, 22, 27 have been amended, and claims 2, 4 and 25 have been canceled. No new matter has been added. Support for the new claims and the amendments are found within the specification and the drawings. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Claims 1-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,642,940, issued to Dakss, et al. (hereinafter referred to as "the Dakss reference") in view of U.S. Patent No. 5,956,026, issued to Ratakonda et. al. (hereinafter referred to as "the Ratakonda reference"). The Examiner contends that it would have been obvious to combine the two references, the motivation being "allowing user to select any number of keyframes or section within the selected shot prior to reproduce a video sequence. Thus, the system would provide an enhanced editing tool to its end user." (pg. 3, par. 3 of the Office Action, emphasis added)

It is respectfully submitted that contrary to the Examiner's contention the present invention is not directed to an editing tool. In contrast the claimed invention is directed to methods and systems for skimming video data, as claimed (see last element of claim 1, for example). "To skim" according to the Merriam-Webster Online Dictionary and common use means "to glance through". That is, the present invention is directed to a method for allowing a user to quickly glance through video content, without having to view every scene, shot, or frame.

In contrast to the claimed invention, the Dakss reference is directed to a method of indexing objects in a video (e.g., object 5=Sandra Hair, object 6=Cecil Suit) such that same objects appearing in different shots or scenes can be identified and indexed

automatically in association with an object database, without a user having to manually search the database to make the association (See Dakss' Abstract).

Particularly, referring to FIG. 2, the Dakss reference teaches grouping the frames and shots having similar or common objects (e.g., object 5, object 6) together. For example, all shots and frames that include a picture of Sandra's Hair are grouped together. This grouping procedure is performed so that the same object appearing in each shot can be classified as a single object's, even though the objects color, lighting and appearance changes from shot to shot. (See Dakss, col. 4, lns. 34-42)

Referring to amended claim 1, the objective of the present invention is not to select shots or frames having similar objects and grouping such shots together. To the contrary, the objective is to select the scenes, shots, and sections with minimal common attributes, as claimed. More specifically, the skimming process of the present invention is meaningful when frames with minimal similarities are grouped together and reproduced.

The Dakss reference, however, teaches the opposite process which requires grouping the shots with similar objects together. As such, the Dakss reference teaches away from the present invention and is therefore an improper reference under section 103.

The Ratakonda reference is directed to a method of grouping frames in a video into a hierarchial structure, such that each level of hierarchy includes a smaller number of frames than the level below it. This allows a user to view the selected frames in the highest level of hierarchy first and move down to the lower levels if the user wishes to view a more detailed presentation of the video.

To accomplish the above, the Ratakonda reference teaches a frame-by-frame analysis to find a keyframe from among a set of consequitive frames based on a change in the level of "action" in the frames. The level of action is determined based on a

complicated formula. (See Ratakonda, col. 6, lns. 45-60; col. 7, lns. 1-34). In contrast, the present invention, as claimed recites selecting a section of a shot based on a third attributes defining temporal information. Temporal information for each section is time related, rather than action related. That is, a section is for example selected based on it being positioned closer to the end of the shot.

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). The cited references, neither alone nor in combination, teach or describe the claimed invention, as amended.

That is, neither the Dakss nor the Ratakonda reference teach or disclose dividing each scene in a video into a plurality of shots, wherein each shot comprises of a plurality of sections, wherein each scene is associated with a first attribute defining scene information, each shot is associated with a second attribute defining shot information, and each section is associated with a third attribute defining temporal information such that at least one section from each shot in each scene is selectable based on at least one of the corresponding first, second, and third attributes. Further neither reference teaches or suggests reproducing a plurality of selected sections from a plurality of selected shots in the selected scenes to skim the video data, such that reproduction of at least one of the scenes, shots, and sections with similar attributes is minimized.

Further, the Examiner has not referred to any portions of the cited references that provide a suggestion or motivation for combining the references. Particularly, since as discussed the primary reference (the Dakss reference) teaches away from the present invention, there is no likelihood of success even if the references can be combined. It is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the

desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). As such, the Examiner is invited to point out such motivation for combination with more specificity.

CONCLUSION

In light of the above remarks, Applicant submits that claims 1-27, as amended, are distinguishable over the cited references and are therefore in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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